

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION**

**Call to Order:** By **CHAIRMAN KEITH BALES**, on January 27, 2003 at 3 P.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Keith Bales, Chairman (R)  
Sen. Dale Mahlum, Vice Chairman (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Sam Kitzenberg (R)  
Sen. Walter McNutt (R)  
Sen. Linda Nelson (D)  
Sen. Gerald Pease (D)  
Sen. Corey Stapleton (R)  
Sen. Mike Taylor (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jennifer Stephens, Committee Secretary  
Doug Sternberg, Legislative Branch

**Please Note:**

**Audio-only Committees:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 31, 1/20/2003; SB 242, 1/21/2003  
Executive Action: SB 242, HB 31, SB 213

HEARING ON HB 31

Sponsor: REP. KARL WAITSCHIES, HD 96, PEERLESS

Proponents: Ralph Peck, Director, MT Dept. of Agriculture  
Barbara Broberg, Women Involved in Farm Economics  
(WIFE)  
John Youngberg, Montana Farm Bureau  
Bob Stephens, MT Grain Growers

Opponents: None

Opening Statement by Sponsor:

REP. KARL WAITSCHIES, HD 96, PEERLESS, submitted written testimony, **EXHIBIT**(ags17a01).

Proponents' Testimony:

Ralph Peck, Director, MT Dept. of Agriculture, submitted written testimony, **EXHIBIT**(ags17a02).

Barbara Broberg, (WIFE), supports HB 31 for safety reasons.

John Youngberg, Montana Farm Bureau, also supports HB 31.

Bob Stephens, MT Grain Growers, also supports HB 31.

Questions from Committee Members and Responses:

SEN. COREY STAPLETON asked if the fee was always issued by units. REP. WAITSCHIES explained the fee would be for the registration of the product. He also mentioned a fee of \$.20 per ton on dry fertilizer. SEN STAPLETON then asked how often a person would have to register. REP. WAITSCHIES deferred the question to Mr. Ralph Peck. Mr. Peck said each year, a farmer would have to re-register the fertilizer.

SEN. STAPLETON asked if there would be a set date for farmers to re-register their fertilizer. Mr. Peck explained that those farmers who had already paid their fees for the year would not see an increase until the beginning of next year. Those who have not paid their fee yet would see an increase if HB 31 was put into effect.

SEN. KEITH BALES asked what the fee would be per tonnage and when would it go into effect. Mr. Peck said the fee would go into

effect right away in order to do the fertilizer inspections. He reminded the committee that it takes about 90 days to put a rule in place.

**Closing by Sponsor:**

**REP. WAITSCHIES** closed by saying HB 31 was important because fertilizer sales have been down dramatically in the state. This does not change the fact that the fertilizer tanks need to be inspected. **REP. WAITSCHIES** closed on HB 31.

**HEARING ON SB 242**

**Sponsor:** SEN. GARY PERRY, SD 16, MANHATTAN

**Proponents:** Don Hargrove, Gallatin County  
 Randy Smith, Glenn, MT  
 Brian Kahn, Artemis Common Group  
 Rep. Jim Petersen, HD 94  
 Robert Rasmussen, Trust for Public Land  
 Jamie Williams, The Nature Conservatory of Montana  
 Mike Volesky, East Helena  
 Steve Pilcher, MT Stock growers  
 Tim Davis, MT Smart Growth Coalition  
 Sarah McCullough, Montana Audubon  
 Jim Berkey, Five Valleys Land Trust  
 Debbie Deagen, Gallatin Valley Land Trust  
 Jay Erickson, Montana Land Reliance  
 Barbara Broberg, WIFE

**Opponents:** None

**Opening Statement by Sponsor:**

**SEN. GARY PERRY, SD 16, MANHATTAN**, explained that SB 242 would ensure that the Montana Agricultural Heritage Program that was created during the 1999 legislative session would continue to exist. He passed out information describing the program, **EXHIBIT (ags17a03)**.

**Proponents' Testimony:**

**Don Hargrove, Gallatin County**, explained that he has worked with the program since its conception. He believes that the program helps ensure the heritage of family farming. He wanted the committee to understand that the program does not need money at

this time. They just want to ensure the program does not get cut.

**Randy Smith, Glen, MT,** thinks it is important to keep the program because there is a ton of federal dollars that would go to the program. The state just needs to have a program to be able to pull in federal dollars. He feels the program will be more productive when the state is not experiencing a drought. He explained that people, such as the Montana Land Reliance or Nature Conservancy, come to the commission for help in applying for grants.

**Brian Kahn, Artemis Common Group,** explained that he worked very closely with Marc Racicot when the program was being created. He thinks it is important to keep the program because it helps ranchers and farmers stay on their land. He also explained it took a lot of time and energy to get the program started so it would be a waste to get rid of the program so quickly; especially, when the program is not asking for money right now. He also made note of there being many proponents when the program was created.

**Rep. Jim Petersen, HD 94,** spoke in favor of SB 242. He explained that he was involved with the creation of the program. He urged the structure of the program to be preserved in order to use the program at a later date.

**Robert Rasmussen, Trust for Public Land,** explained that the focus of the program was to reduce the conversion of farm and ranch land to subdivisions and recognize the appropriate compensation to landowners for protecting Montana's resources. Although the funding is not present at this point in time, the concept of the program is still valid. He also distributed more information, **EXHIBIT**(ags17a04).

**Jamie Williams, The Nature Conservatory of Montana,** stands in support of SB 242 because it creates good stewards of the land. It is also the only program designed specifically for the agricultural community.

**Mike Volesky, East Helena,** stands in support of SB 242. He also said the program has worked very well and has many supporters.

**Steve Pilcher, MT Stock Growers,** rose to give his support for SB 242. He mention that **John Youngberg** from the **Montana Farm Bureau** also supports the bill. He thinks the program should not be cut because it really hasn't had the chance to be tested.

**Tim Davis, MT Smart Growth Coalition,** supports SB 242.

**Sarah McCullough, Montana Audubon,** stands in support of SB 242.

**Jim Berkey, Five Valleys Land Trust,** said the Montana Agricultural Heritage Program is the only state program that specifically deals with land owners.

**Debbie Deagen, Gallatin Valley Land Trust,** shared a story about a family that participated in the Agricultural Heritage Program. She explained how the family did not want to subdivide their land but they needed to retire. The program allowed them to maintain their land and still retire. She also mentioned that it was important to maintain the program to received federal dollars.

**Jay Erickson, Montana Land Reliance,** said that keeping the program would allow for the federal government to continue matching funds. He is in favor of SB 242.

**Barbara Broberg, WIFE,** urged caution on things that say easement.

**Informational Testimony:**

**Steve Schmitz, Chief of Conversation Districts Bureau for the Department of Natural Resources** explained that it was his department that administered the act back in 1999. He offered to answer any questions

**Questions from Committee Members and Responses:**

**SEN. KEN HANSEN** asked if the commission was made up geographically. **Mr. Schmitz** said the commission is not made up geographically; the member just needs to fit the background requirements.

**SEN. CORY STAPLETON** said that the program seemed like the best example of a program that should go away. He wanted to know why the program shouldn't go away. **Mr. Schmitz** said that even though the funding did dry up, the mechanism for such a program should stay in place. That way if there is more money in the future, the program could try to get funding.

**Closing by Sponsor:**

**SEN. GARY PERRY** urged that the committee keep the program in place. He closed on SB 242.

**EXECUTIVE ACTION ON SB 213**

**SEN. MIKE TAYLOR** said he made calls and found that many of his constituents are in favor of the bill.

**SEN. WALTER MCNUTT** also said he heard from a few constituents who were in favor of the bill.

**SEN. STAPLETON** made a motion to amend the bill. He suggested that the figure that the wheat and barley committee suggested for their first increase should be the cap. He understands that historically, the wheat and barley committee has never abused the privilege of setting the pay scale, but he finds it good practice to only give them the authority to work with what they say they are going to need. Specifically, he would change line 12 of the bill to read 13 mils instead of 20 mils and 30 mils to 20 mils.

**SEN. LINDA NELSON** understands **SEN. STAPLETON'S** concern, but still is not bothered by the wheat and barley committee having flexibility in their pricing.

**SEN. MCNUTT** does not support the amendment. He said that the committee can self administer itself without any problems.

**SEN. HANSEN** does not support the amendment. He has heard comments that his constituents are content with the bill.

**SEN. STAPLETON** said he would support the bill if the amendment passed. If the amendment does not pass, he will not support it. He does not see a justification for doubling the cap on the funds.

**Motion/Vote:** **SEN. STAPLETON** moved that **SB 242 BE AMENDED**. Motion failed 2-8 with **STAPLETON** and **TAYLOR** voting aye.

**Motion/Vote:** **SEN. BALES** moved that **SB 242 DO PASS**. Motion carried 9-1 with **STAPLETON** voting no.

**EXECUTIVE ACTION ON HB 31**

**Motion/Vote:** **SEN. MCNUTT** moved that **HB 31 BE CONCURRED IN**. Motion carried unanimously.

**EXECUTIVE ACTION ON SB 242**

**SEN. STAPLETON** said he is somewhat weary of preserving the agricultural heritage program because it has only served 8 people since its introduction in 1999.

**SEN. NELSON** said she feels the program has not had many participants because there hasn't been enough money to support the program. In coming years, she thinks the program will be used more often.

**SEN. MCNUTT** said he remembered all of the work that went into creating the program. The way he looks at it, after all of that work, it should be left intact in case there is more money for the program in the future.

**SEN. BALES** explained this is the first specific group for agriculture. He is certain if there is extra money in years to come, there will be advocates asking for money for the program. They are hesitant to ask for money now due to budget shortfalls.

**Motion/Vote:** **SEN. BALES** moved that **SB 242 DO PASS. Motion carried unanimously.**

**ADJOURNMENT**

Adjournment: 4 P.M.

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SEN. KEITH BALES, Chairman

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JENNIFER STEPHENS, Secretary

KB/JS

**EXHIBIT** (ags17aad)